

REMARKS

Claims 1-37 were rejected by the Examiner. Claims 1-37 are still pending. Claims 1, 17, 28 and 33 have been amended. Reconsideration is respectfully requested in view of the amendments to the claims and following remarks.

Claim Objections

Claims 1-37 were objected to as being inappropriately numbered as [c1] – [c37]. Applicants respectfully submit that they are unaware of any such inappropriate number as the claims in U.S. Patent Application No. 2002/0173997 reflect no such numbering.

Claim 1 was objected to as being unclear. Applicants respectfully submit that claim 1 has been amended to clarify its language and that such amendment obviates the Examiner's objection to claim 1. Applicants respectfully request that the Examiner reconsider and withdraw the objection to claim 1.

Claims Rejections - 35 U.S.C. §102

Claims 1-37 stand rejected under 35 U.S.C. 102(e) as being disclosed by U.S. Patent No. 6,427,132 issued to Bowman-Amuah (Bowman-Amuah).

Bowman-Amuah discloses a simulation application for modeling or demonstrating e-commerce capabilities on a network. Those portions of Bowman-Amuah relied upon by the Examiner as the basis for rejecting independent claims 1, 17, 28, and 33 disclose a method for enabling communication infrastructure service providers to ensure that the provision of communication channel bandwidth to customers is maintained strictly in accordance with each customer's service level agreement. According to the simulation system of Bowman-Amuah, the metrics of the communication infrastructure are continuously monitored and analyzed to ensure the metrics set forth in a given customer's service level agreements are maintained.

In contrast, the present invention is directed to and claims a system and method for managing active business system transactions and infrastructure operation, not the mere simulation of a

communication network. As such, Bowman-Amuah fails to anticipate, teach, disclose or suggest the invention as claimed.

In particular, Bowman-Amuah fails to anticipate, teach, disclose or suggest a system for managing business systems transactions and infrastructure, comprising, among other elements, a collection system embedded in a client system including one or more data collectors having at least one plug in for extracting business transaction process data and infrastructure data from client system components as recited in independent claim 1. As such, Applicants respectfully request that the Examiner reconsider the rejection to claim 1, withdraw the rejection and allow claim 1.

Claims 2-16 depend from and provide further patentable limitations to independent Claim 1. Applicants respectfully request that the Examiner reconsider the rejections to Claims 2-16, withdraw the rejections and allow Claims 2-16.

In addition, Bowman-Amuah fails to anticipate, teach, disclose or suggest a method for managing business systems transactions and infrastructure, comprising the steps of, among others, extracting business transaction process data and infrastructure data from client system components by a data collector and data collector plug ins; transmitting the first extracted data through a secure client connection to a communication network; and transmitting subsequently extracted data to a communication network when such subsequently extracted data differs from the first transmitted data as recited in independent claim 17. As such, Applicants respectfully request that the Examiner reconsider the rejection to claim 17, withdraw the rejection and allow claim 17.

Claims 18-27 depend from and provide further patentable limitations to independent Claim 17. Applicants respectfully request that the Examiner reconsider the rejections to Claims 18-27, withdraw the rejections and allow Claims 18-27.

Further, Bowman-Amuah fails to anticipate, teach, disclose or suggest a method for managing business systems transactions and infrastructure, comprising the steps of, among others, receiving extracted process transaction data and infrastructure data from a business system as recited in independent claim 28. As such, Applicants respectfully request that the Examiner reconsider the rejection to claim 28, withdraw the rejection and allow claim 28.

Claims 29-32 depend from and provide further patentable limitations to independent Claim 28. Applicants respectfully request that the Examiner reconsider the rejections to Claims 29-32, withdraw the rejections and allow Claims 29-32.

Finally, Bowman-Amuah fails to anticipate, teach, disclose or suggest a method for managing business systems transactions and infrastructure, comprising the steps of, among others, extracting process transaction data transactions and infrastructure data from a business system as recited in independent claim 33. As such, Applicants respectfully request that the Examiner reconsider the rejection to claim 33, withdraw the rejection and allow claim 33.

Claims 34-37 depend from and provide further patentable limitations to independent Claim 33. Applicants respectfully request that the Examiner reconsider the rejections to Claims 34-37, withdraw the rejections and allow Claims 34-37.

CONCLUSION

In light of the remarks set forth above, Applicants believe that they are entitled to a letters patent. Applicants respectfully solicit the Examiner to expedite the prosecution of this patent application to issuance. Should the Examiner have any question, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

Date: February 14, 2005

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